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DATE: January 7, 2005

TO: United States Patent & Trademark Office - Tech. Ctr. 3700

ATTENTION: Chen Wen Jiang - Examiner Group Art Unit 3744

RE: Patent Application Number 10/10/754,429 filed January 9, 2004 which
claims priority from Provisional Patent Application Number 60/439,972
which was filed on January 14, 2003.

DESTINATION: 1-703-872-9306

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SENT BY: Eric R. Benson, Esq.

**ADDITIONAL
INFO IF ANY:**

Dear Mr. Jiang, thank you for your phone interview about this application on January 5, 2005. I believe that pursuant to your review of the draft claims I sent by earlier fax and our conversation that the following response to the office action and amendments to the claims will bring this application into a condition for allowance. Thank you once again.

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January 7, 2005
Date


Eric R. Benson, Esq.

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant : Mark R. Harvie

Group Art Unit: 3744

Serial No.: 10/754,429 filed January 9, 2004 which claims priority from
Provisional Patent Application Number 60/439,972 which was filed
on January 14, 2003.

Filed: 1/9/04

Examiner: Chen Wen Jiang

Title: PERSONAL COOLING AND HEATING SYSTEM

Commissioner of Patents and Trademarks
Art Unit 3744
Washington, D.C. 20231

Dear Sir:

AMENDMENT

In response to the undated First Office Action mailed on July 30, 2004, and the informal telephone conversation with the Examiner on July 27, 2004, the Applicant elected Examiner identified Species C: thermoelectric cooler of Fig. 8 and asserted that Claims 1,2,3,4,5,9,10,11,12,13, and 20 are readable on said Species C.

In response to the undated Office Action mailed on October 8, 2004, and the informal telephone interview with the Examiner on January 5, 2005, please amend the above-identified application as follows:

IN THE CLAIMS:

Examiner Jiang and the undersigned counsel discussed the Examiner's Office Action in a telephone interview on January 5, 2005. In the Office Action the Examiner stated that the dependent Claim 5 was determined to be allowable if rewritten in independent form including all the limitations

of the base claim and any intervening claims. Claims 1,2,3,12 and 13 were rejected pursuant to 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S. C. §103(a) as obvious over *Kushmir*. (WO 99/44552 - U.S. Pat. No. 6,508,831). Claims 1,2,3,11,12, 13 and 20 were rejected pursuant to 35 U.S.C. §102(b), as anticipated by *Rose et al.* (U.S. Pat. No. 5,755,275). Claims 1,4,9,10 and 13 were also rejected pursuant to 35 U.S.C. §102(b), as anticipated by, or in the alternative, under 35 U.S. C. §103(a) as obvious over *Abadilla et al.* (U.S. Pat. No. 5,564,276). Claims 11 and 20 were also rejected pursuant to 35 U.S.C. §103(a) as unpatentable over *Kushmir*. (WO 99/44552 - U.S. Pat. No. 6,508,831) in view of *Bayes et al.* (US 5,092,129) and *Frantti* (US 3,085,405). Pursuant to the Examiner's comments Claim 1 has been amended to include the limitations set forth in the allowable Claim 5 and Claim 4 upon which Claim 5 depended as well. Claims 4 and 5, being rendered redundant by including the limitations therein in the base claim (Claim 1), are both hereby canceled. Claims 6-8 and 14-19 were previously withdrawn, the Applicant having selected Species C. In the telephone interview with the Examiner it was indicated that so long as the amendment was responsive with the Office Action discussion, then these claims as amended would be allowable. Hence the Claims have been amended as follows: